United Nations S/2004/619

Security Council

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4 August 2004

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Letter dated 23 July 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for Rwanda, which reads as follows:

> "In the event of a vacancy in the Chambers amongst the permanent judges elected or appointed in accordance with this article, after consultation with the Presidents of the Security Council and of the General Assembly, the Secretary-General shall appoint a person meeting the qualifications of article 12 of the present statute, for the remainder of the term of office concerned."

In this connection, I should like to inform you that Judge Asoka Gunawardena, a national of Sri Lanka, has resigned as a permanent judge of the International Tribunal, effected 30 June 2004.

The Government of Sri Lanka has presented the candidacy of the Judge J. Asoka de Silva, a national of Sri Lanka, to replace Judge Gunawardena. Please find attached his curriculum vitae (see annex).*

It is my view that Judge de Silva meets the qualifications that are prescribed in article 12 of the statue of the International Tribunal. I also consider that Judge de Silva's appointment would be well calculated to ensure adequate representation in the Tribunal of the principal legal systems of the world, as contemplated in paragraph 1 (c) of article 12 bis of the Tribunal's statute.

I should, therefore, like to proceed to consult with you on the appointment of Judge de Silva, in accordance with article 12 bis, paragraph 2, of the statute of the International Criminal Tribunal for Rwanda. I look forward to receiving your views on the matter.

(*Signed*) Kofi A. **Annan**

* The annex is being circulated in the language of submission only.

04-45074 (E) 050804

Annex

Curriculum vitae

Joseph Asoka Nihal de Silva

Personal

Born: 17 May 1946

Nationality

Sri Lankan

Qualifications

Academic

Primary and secondary education at St. Anthony's College, Kandy, Sri Lanka

Bachelor of Laws, University of Ceylon, Colombo (LLB), 1971

Master of Laws, University of Colombo (LLM), 1982, in Administrative Law

Graduate course in criminology at the University of Illinois, 1987, including Muslim law, theories of punishment and comparative legal systems

Course in environmental law at the International Development Law Institute, Rome, 1992

Course in drafting commercial agreements at the University of London, 1995

Professional

Enrolled as an Attorney-at-Law of the Supreme Court in 1972

Joined the Attorney General's Department as a Crown Counsel in 1974, advancing to the position of Senior Deputy Solicitor General in 1995

Appointed as a Judge of the Court of Appeal in 1995 and made President of that Court in February 2001

Appointed as a Judge of the Supreme Court on 1 August 2001, the highest court in Sri Lanka

Presently functioning as a Senior Judge of the Supreme Court and presiding over most benches

Experience

In the Attorney General's Department, prosecuted in the original Courts

Represented the Attorney General in criminal appeals before the Court of Appeal and the Supreme Court

In the field of fundamental rights, appeared on behalf of police, armed forces and other governmental departments

Nominated on several occasions as a Judge Advocate at court martial proceedings

Appointed head of the Corporation Division of the Attorney General's Department

Other qualifications

Lecturer and Examiner of the Sri Lanka Law College, appointed by the Council of Legal Education

Visiting Lecturer, University of Colombo and University of Sri Jayawardenapura: 1985-1986

Member, National Dangerous Drugs Control Board: 1990-1992

Member, National Task Force to Formulate Environmental Policy

Represented Sri Lanka at the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 1992

Attended several conferences of the South Asian Association for Regional Cooperation (SAARC) and the Law-Asia Conference

Attended conferences on refugee problems in New Delhi (1999) and Geneva (2000)

Attended course for senior judges in Australia organized by the International Development Law Organization

Followed a course in environmental law, International Development Law Institute, Rome, 1992

Followed a course in drafting commercial contracts and arbitration at the University of London, 1995

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Security Council

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Letter dated 27 July 2004 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 23 July 2004 (S/2004/619) concerning the composition of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January 1994 and 31 December 1994 has been brought to the attention of the members of the Security Council. Having consulted the members of the Council, I support your intention to appoint Judge J. Asoka de Silva as a permanent judge of the International Tribunal.

(*Signed*) Mihnea Ioan **Motoc**
President of the Security Council

04-45056 (E) 050804

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Security Council

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Letter dated 3 August 2004 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to the letter dated 27 July 2004 (S/2004/620) from the former President of the Security Council, Mr. Mihnea Ioan Motoc, concurring with my proposal to appoint Judge J. Asoka de Silva as a permanent judge of the International Tribunal for Rwanda. I have received a corresponding letter from the President of the General Assembly. Accordingly, I have appointed Judge de Silva as a permanent judge of the International Tribunal for Rwanda, effective today, for the remainder of the term of office of Judge Asoka de Zoysa Gunawardana, which term will expire on 24 May 2007.

(*Signed*) Kofi A. **Annan**

04-45068 (E) 050804